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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,594	10/30/2003	Hal Richardson	1874.001US1	2626
21186	7590	06/14/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,594

Applicant(s)

RICHARDSON, HAL

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio in view of German pat.'973 to Brda. Antonio shows the claimed harness with the exception of the shoulder straps. Brda shows shoulder straps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the harness of Antonio to comprise shoulder straps, as taught by Brda, for enclosing the shoulder of a user.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Brda, as applied to claim 5 above, and further in view of Colorado. Colorado shows a mounting assembly 48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Antonio to comprise a mounting assembly, as taught by Colorado, for mounting a SCBA tank.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Brda as applied to claim 5 above, and further in view of Colorado. Colorado shows harness elements made from Aramid fibers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Antonio for his straps and pouch to be made from Aramid fiber material, as taught by Colorado, as a safety means for a user.

Claims 10,11,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Brda, as applied to claim 5 above, and further in view of Bell. Bell shows a rappelling apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the harness of Antonio to comprise a rappelling assembly, as taught by Bell, to enable rappelling by a user.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio, Brda and Colorado, as applied to claim 1 above, and further in view of Bell as applied above.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio, Brda, and Bell, as applied to claim 10 above, and further in view of Colorado as applied to claim 9 above.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Bell, as applied above.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Bell, as applied to claim 16, above, and further in view of Colorado as applied to claim 9 above.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Bell, as applied to claim 16 above, and further in view of either Hutchinson or Lewis. Both Hutchinson and Lewis show Y-shaped pelvic straps. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Antonio to comprise a Y-shaped pelvic strap, in lieu of his, to enhance support of a user.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio and Brda, as applied to claim 5 above, and further in view of either Hutchinson or Lewis as applied above.

Claim 2 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Antonio, Brda and Colorado, as applied to claim 1 above, and further in view of either Hutchinson or Lewis as applied above.

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS